

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

EDWARD LOUIS ESPOSITO,

Plaintiff,

v.

Case No. 19-C-1875

JULIE TOWERY, sued as "RN Julie",

Defendant.

ORDER DENYING MOTION FOR DISCOVERY

Plaintiff Edward Esposito, a prisoner proceeding pro se against the medical staff and correctional officers at Racine County Jail, has filed a motion for discovery requesting that the court “order for Discovery of All Medical Records of myself from Racine County Jail.” Dkt. [29]. Requests that a party produce documents in discovery are governed by Rule 34 of the Federal Rules of Civil Procedure. That rule requires that, before any court order is sought, a party first serve on the other party a request for whatever documents are in that party’s control and may be relevant to the case. Only if the opposing party fails to respond to the request within 30 days is it appropriate to file a motion with the court. Moreover, opposing parties can only provide documents that are within their control. Plaintiff’s medical records are held by the Racine County Jail medical staff and are not available for inspection or production by the parties to this lawsuit as individual employees of the jail. Accordingly, Plaintiff’s motion is denied. The court notes, however, that in the event the defendants request an authorization to obtain the plaintiff’s medical records, they should provide the plaintiff with any copies of records they obtain thereby. Otherwise, Plaintiff’s option is to contact the Racine County Jail directly himself and request

copies of his records. Racine County is not a party to the lawsuit, however, and thus the court denies Plaintiff's request to order them to produce records at this time.

SO ORDERED at Green Bay, Wisconsin this 31st day of March, 2020.

s/ William C. Griesbach
William C. Griesbach, District Judge
United States District Court